

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49006 of 2023

Arising Out of PS. Case No.-119 Year-2023 Thana- BARHAT District- Jamui

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SUNIL KUMAR YADAV Son of Mahendra Yadav Resident of Village-
Jamua, Police Station-Barhat, District-Jamui

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar
For the Opposite Party/s : Mr.Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Section 30(a) of the Bihar
Prohibition and Excise Act and Sections 323, 353, 307, 272, 273
and 34 of the Indian Penal Code.

3. As per prosecution case, a secret information
received that two persons are going to smuggle liquor on a
motorcycle from Khiriya thereafter, the informant along with
police party reached at that place and when the informant tried



to stop the motorcycle, the rider hit upon the informant, due to which he sustained injury. It is further alleged that thereafter, two persons apprehended and on search, there has been recovery of 15 liters of illegal country-made liquor from the said motorcycle.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. He submitted that the petitioner has no concern either with the seized vehicle or with the wine in question. No incriminating article has been recovered from the conscious possession of the petitioner. The provision of Section 100 of the Cr.P.C. has not followed in this case, while preparing the seizure list. He further submitted that there is no injury report of informant is available on record. He is languishing in judicial custody since 14.06.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand



only) with two sureties of the like amount each to the satisfaction of the learned Court below in connection with Barhat P.S. Case No. 119 of 2023.

(Sunil Kumar Panwar, J)

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